

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

JACQUELINE A. CAMPBELL

Case No. 1:20-cv-10880-PDB-PTM

Plaintiff,

Hon. Paul D. Borman

vs.

ST. FRANCIS HOME OF SAGINAW,

Defendant.

**DEFENDANT'S ANSWER TO COMPLAINT,
AFFIRMATIVE DEFENSES AND RELIANCE ON JURY DEMAND**

NOW COMES the Defendant, St. Francis Home of Saginaw, by and through its attorneys, Braun Kendrick Finkbeiner P.L.C., for its Answer to Plaintiff's Complaint states as follows:

1. Defendant admits the allegations in Paragraph 1 on information and belief.
2. Defendant denies as untrue the allegation that it does business in the County of Bay, State of Michigan. Rather, Defendant does business in the County of Saginaw, State of Michigan. Defendant admits the remaining allegations in Paragraph 2.
3. Defendant admits the allegations in Paragraph 3.
4. Defendant admits only that Plaintiff applied for and received

intermittent and continuous leave under the Family & Medical Leave Act based on her own serious health condition during her employment with Defendant. Defendant lack sufficient knowledge or information to form a belief as to the truth of the remaining allegations in Paragraph 4 and, therefore, neither admits nor denies same (hereinafter “neither admits nor denies”).

5. Defendant admits the allegations in Paragraph 5.

6. Defendant admits the allegations in Paragraph 6.

7. Defendant denies as untrue the allegations in Paragraph 7.

8. Defendant denies as untrue the allegations in Paragraph 8.

9. Defendant admits only that Plaintiff’s employment was not terminated based upon her failure to meet job expectations. Defendant denies as untrue that Plaintiff’s performance always met Defendant’s expectations.

10. Defendant denies as untrue the allegations in Paragraph 10.

11. Defendant denies as untrue the allegations in Paragraph 11.

12. Defendant denies as untrue the allegations in Paragraph 12.

13. Defendant denies as untrue the allegations in Paragraph 13.

14. Defendant denies as untrue the allegations in Paragraph 14.

15. The allegations in Paragraph 15 state a request for relief to which no answer is required. To the extent an answer may be required, Defendant denies as untrue that Plaintiff is entitled to any of the relief requested.

COUNT I
VIOLATIONS OF THE FAMILY AND MEDICAL LEAVE ACT

16. Defendant hereby incorporates its answers to Paragraphs 1-15 as if fully stated herein.

17. Defendant admits only that Plaintiff applied for and received intermittent and continuous leave under the Family & Medical Leave Act based on her own serious health condition during her employment with Defendant. Defendant neither admits nor denies the remaining allegations in Paragraph 17.

18. Defendant admits the allegations in Paragraph 18.

19. Defendant denies as untrue the allegations in Paragraph 19.

20. Defendant admits only that Plaintiff sought and received leave under the Family & Medical Leave Act. Defendant neither admits nor denies the remaining allegations in Paragraph 20.

21. Defendant admits only that it knew Plaintiff sought and received leave under the Family & Medical Leave Act. Defendant neither admits nor denies the remaining allegations in Paragraph 21.

22. Defendant denies as untrue the allegations in Paragraph 22.

23. Defendant denies as untrue the allegations in Paragraph 23.

24. Defendant denies as untrue the allegations in Paragraph 24.

25. Defendant neither admits nor denies the allegations in Paragraph 25.

26. Defendant admits only that Plaintiff applied for and received leave

under the Family & Medical Leave Act based on her own serious health condition.

Defendant neither admits nor denies the remaining allegations in Paragraph 26.

27. Defendant denies as untrue the allegations in Paragraph 27.

28. Defendant denies as untrue the allegations in Paragraph 28.

29. Defendant denies as untrue the allegations in Paragraph 29.

30. Defendant denies as untrue the allegations in Paragraph 30.

31. Defendant denies as untrue the allegations in Paragraph 31.

32. The allegations in Paragraph 32 state a request for relief to which no answer is required. To the extent an answer may be required, Defendant denies as untrue that Plaintiff is entitled to any of the relief requested.

AFFIRMATIVE DEFENSES

NOW COMES the Defendant, St. Francis Home of Saginaw, by and through its attorneys, Braun Kendrick Finkbeiner P.L.C., and for its Affirmative Defenses states as follows:

1. Defendant had legitimate, non-discriminatory and non-retaliatory reasons for terminating Plaintiff's employment.

2. Non-economic damages are not available under the Family & Medical Leave Act.

3. Plaintiff may have failed to mitigate her damages.

4. Defendant reserves its opportunity to amend its Affirmative Defenses at or before the conclusion of discovery.

RELIANCE ON JURY DEMAND

NOW COMES the Defendant, St. Francis Home of Saginaw, by and through its attorneys, Braun Kendrick Finkbeiner P.L.C., and hereby states its reliance on the jury demand previously filed by Plaintiff in this matter.

Dated: April 30, 2020

By: /s/ Jamie Hecht Nisidis
JAMIE HECHT NISIDIS
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CERTIFICATE OF SERVICE

I hereby certify that on April 30, 2020, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the attorneys registered with the ECF system.

/s/ Jamie Hecht Nisidis

JAMIE HECHT NISIDIS

Braun Kendrick Finkbeiner P.L.C.

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